

CITY OF LYNCHBURG

REQUEST FOR CONDITIONAL USE PERMIT

1. A petition (application) requesting a Conditional Use Permit must be submitted to the Division of Planning by the Petitioner, a minimum of thirty (30) days prior to the public hearing date for the petition by the Planning Commission.
2. The petition shall be accompanied by the following:
 - a. A check in the amount of four hundred dollars (\$400) to cover the cost of publishing legal notices and administrative expenses for hearings before the Planning Commission and the City Council.
 - b. A map showing the subject property (preferably a copy of the Valuation Map available from the Public Works Department, City Hall).
 - c. Twelve (12) copies of a preliminary site plan indicating proposed use of the property. (The petition will be placed on the first available Technical Review Committee [TRC] agenda. The appropriate TRC site plan review fee will be charged to the petitioner. This charge is in addition to the four hundred dollar [\$400] fee.)
 - d. Two (2) photographs of each required sign providing notification of the proposed rezoning. The first photograph shall show the wording on the sign, and the second paragraph shall show the sign's location on the property.

NOTE: Twelve (12) copies of the appropriate site plan will be required prior to the Planning Commission meeting and an additional eighteen (18) copies prior to the City Council meeting. **The site plan MUST be no larger than 11" x 17".**

At the time an application is filed with the Division of Planning, a sign shall be posted on the property by the applicant notifying interested persons that a Conditional Use Permit application has been filed. Said sign shall be located within one (1) foot of the right-of-way of a public street or road, upon which said property or proposed use fronts. The sign shall be placed on the property at five hundred (500) foot intervals. If the property in question has five hundred (500) feet or less frontage, one sign shall suffice. Where property does not front on an existing right-of-way, said sign shall be placed within the right-of-way of the nearest street or road. The sign shall read as follows:

48"	<u>NOTICE</u> <u>REQUEST FOR CONDITONAL USE PERMIT</u>
	Name of Applicant or Owner: Telephone Number: Address of Property: Present Zoning: Proposed Use of Property:
	Additional Information: Call Planning Division, Department of Community Planning and Development, 455-3900
	72"

Said sign shall be of wood or metal, at least forty-eight (48) inches by seventy-two (72) inches in size, and the lettering thereon shall be black letters on a white background and shall be at least three (3) inches in height. The applicant shall notify the Division of Planning in writing that the sign has been erected and where located.

The sign shall contain no additional advertisement or words other than that which is specified herein. Said sign shall remain posted until final action has been taken by the City Council. **After final action has been taken by the City Council or the petition has been withdrawn, the sign shall be removed within ten (10) calendar days by the petitioner at his expense.** If any sign remains posted longer than this ten-day period, the petitioner shall be deemed in violation of this ordinance and subject to the penalties as set forth in Section 35.1-20 of the City Zoning Ordinance, adopted December 12, 1978.

3. In addition to the advertising as above required, the Planning Division shall notify the property owner, their agent, and all property owners within two hundred (200) feet of the subject property informing them of the public hearing, and the purpose of the request not less than ten (10) days prior to the public hearing before the Planning Commission. Notification shall be by first-class mail, and the cost of this notification shall be charged to the applicant unless waived by the City, at the first-class postage rate for each written notice. If the public hearing is continued, notice shall be re-mailed. Cost of any notice required under this section shall be charged to the applicant.
4. The petitioner or his representative shall be present at the Planning Commission and City Council meetings at which the proposed Conditional Use Permit is to be considered.

NOTE: A petition will not be considered complete until the Planning Division is in receipt of all items outlined in Section Two. Additional information concerning site plan platting requirements is available from the Division of Planning.

5. Lapse of Conditional Use Permit (Section 35.1-15G)

(This does not apply to Planned Unit Development or Cluster Commercial applications.)

- a. If a building permit for construction authorized by a Conditional Use Permit granted under these regulations shall not have been applied for within six months of the granting of such Conditional Use Permit, the Conditional Use Permit so granted shall become void, unless the following appeal procedures are applied for and secured. Prior to the aforesaid six-month expiration, a six-month extension may be applied for through the City Manager's Office. Two such six-month extensions will be available. A third and final twelve-month extension may be requested from City Council prior to the expiration of the second six-month administrative extension.
- b. EXCEPTION: The time limitations set forth herein shall not apply in any case involving a hospital, institution of higher learning or other eleemosynary which has submitted a Master Development plan for a tract or tracts aggregating five acres or more. A site plan is required for the proposed development as specified in Section 35.1-14. If the developer desires to stage construction of the development over a period of time, he must show on the Master Development Plan a Staging Plan with a map note explaining the purpose of the Staging Plan and the time sequence involved in construction of the development. If the City Council approves both the Master Development Plan and Staging Plan, the developer may submit site plans to the Technical Review Committee for review and approval for only those stages to be constructed as outlined in the Staging Plan. Any development requiring more than thirty-six (36) months to be completed is required to show on the Master Development Plan a Staging Plan with a map note explaining the staging sequence of the project.

If the building permit for the initial construction authorized by a Conditional Use Permit granted for a hospital, institution of higher learning and other eleemosynary under these regulations has not been applied for and so granted within thirty-six (36) months of the granting of such Conditional Use

Permit, the Conditional Use Permit shall become void, unless the following appeal procedures are followed and approval obtained. Prior to the aforesaid thirty-six (36) month expiration, a six-month extension may be applied for through the City Manager's Office. A second and final twelve-month extension may be requested from City Council prior to the expiration of the six-month administrative extension. After the initial building permit has been issued for construction, the Conditional Use Permit in connection with the future stages of the development as shown on the Master Plan shall not lapse or expire though building shall not commence with the specified time for the later stages of development.

6. The Planning Commission strongly encourages the petitioner to contact all property owners within two hundred (200) feet of the subject property to inform them of the purpose of the petition and to attempt to resolve any potential problems prior to the scheduled public hearing before the Planning Commission. The Planning Division will provide the petitioner with the names and addresses of the surrounding property owners as soon as possible after receipt of an applicant.
7. If further information or assistance is needed, please contact the Division of Planning, Department of Community Planning & Development, City Hall, Second Floor, 900 Church Street, Lynchburg, VA 24504, Telephone: (434) 455-3917.

CITY OF LYNCHBURG
APPLICATION FOR A CONDITIONAL USE PERMIT

TO: The Honorable City Council Members:

Pursuant to Article IV, Section 35.1-15 of the Zoning Ordinance for the City of Lynchburg, the undersigned owner/contract purchaser/contract leaseholder of the following described property hereby applies for a Conditional Use Permit to allow

1. Name/Address of Fee Simple Property Owner of Record:

Name _____
Address _____ Zip Code _____
Telephone Number (Area Code) _____

2. The undersigned owner authorizes the entry onto his property by the Planning Commission Members and/or Planning Division Staff during the normal discharge of their duties in regard to the above application.

Signed: _____, Owner

3. Applicant (Check applicable blank in "a", then complete "b".)

a. Owner _____ Contract Purchaser _____
Contract Leaseholder _____

If applicant is contract purchaser or contract leaseholder, written proof of approval by the fee simple owner is required. Such proof may be a signed statement, copy of the agreement stating such condition, or such other instrument as necessary to provide such evidence.

b. Name _____
Address _____ Zip Code _____
Telephone Number _____ Area Code _____

4. Representative

Name _____
Address _____ Zip Code _____
Telephone Number _____ Area Code _____

5. Property Location (general locations) _____

6. Vicinity Zoning Pattern: _____

7. Vicinity Land Use: _____

8. Lapse of Conditional Use Permit

The undersigned Petitioner understands if City Council approves this request, the Conditional Use Permit will become void six months after the approval date unless the provisions of Section 35.1-15G of the Code of the City of Lynchburg, 1981, are complied with.

Signed: _____, Petitioner